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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,981	11/11/2003	Hagen Klausmann	12406-095002	2980
26181 7590 07/17/2009 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER RHEE, JANE J	
			ART UNIT 1795	PAPER NUMBER
			NOTIFICATION DATE 07/17/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.		Applicant(s)	
	10/605,981		KLAUSMANN ET AL.	
	Examiner		Art Unit	
	JANE RHEE		1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,11,12,14-17,20-22 and 24-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,11,12,14-17,20-22 and 24-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejections Withdrawn

1. The 35 U.S.C. 103(a) rejection of claims 1-6,8-9,11-12,14-17,20-22,24-32,34-42 unpatentable over Auch et al. in view of Jones has been withdrawn due to applicant's amendment filed on 4/1/09.
2. The 35 U.S.C. 103(a) rejection of claims 33 unpatentable over Auch et al. in view of Mori has been withdrawn due to applicant's amendment filed on 4/1/09.

New Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6,8-9,11-12,14-17,20-22,24-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auch et al. in view of Jones (US Patent 5920080) and in further view of Mori (6215245).

As to claim 1, Auch et al. discloses an organic device, comprising a substrate (figure 1 number 102) having an active region defined thereon, the active region comprising at least one active component (figure 1 number 106,108), the active components including upper and lower patterned electrodes (figure 1 number 106,108),

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and a metal layer located in the active region, the metal layer disposed on at least one of the active component and being in direct contact with the upper electrode of the at least one active component (paragraph 0008).

Auch fail to disclose wherein the metal layer consists essentially of tantalum or zirconium.

Mori teaches that the metal layer consist essentially of tantalum (col. 3 line 44, col. 5 lines 33-34) for the purpose of providing a protective layer for the cathode (col. 5 lines 35-39).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Auch et al. with the metal layer consist essentially of tantalum in order to provide a protective layer for the cathode (col. 5 lines 35-39).

Auch et al. fail to disclose conducting lines on the substrate to provide electrical access to the device and a protective layer.

Jones teaches conducting lines on the substrate to provide electrical access to the device and a protective layer (figure 4 number 120 and 110) for the purpose of connecting the substrate to the first conductor (col. 4 lines 14-15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Auch et al. with conducting lines on the substrate to provide electrical access to the device and a protective layer in order to connect the substrate to the first conductor (col. 4 lines 14-15) as taught by Jones.

As to claims 2,4, Auch et al. discloses that the substrate comprises a flexible substrate for forming a flexible device (figure 1 number 102).

As to claim 3, Auch et al. discloses that the active component comprises at least one OLED cell to form an OLED device (figure 1).

As to claim 5,Auch et al. discloses a cap mounted to a bonding region on the substrate (figure 1 number 110).

As to claim 6, Auch et al. discloses that the metal layer covers the patterned electrodes of the active components (paragraph 0008).

As to claim12, Auch et al. discloses support posts to support the cap (figure 1 number 110).

As to claims 20, Auch et al. discloses an organic device, comprising a substrate (figure 1 number 102) having an active region defined thereon, and a bonding region, the active region comprising one OLED (figure 1), and a metal layer located in the active region, the metal layer disposed on at least one of the active component (paragraph 0008), the metal layer consists essentially aluminum and a cap bonded to the bonding region of the substrate to encapsulate the device (figure 1 number 110).

Auch et al. fail to disclose at least one OLED cell comprising one or more organic layers sandwiched between upper and lower electrode, conducting lines on the substrate to provide electrical access to the device,a protective layer .

Jones teaches at least one OLED cell comprising one or more organic layers sandwiched between upper and lower electrode conducting lines on the substrate to provide electrical access to the device and a protective layer (figure 4 number 120 and

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110) for the purpose of connecting the substrate to the first conductor (col. 4 lines 14-15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Auch et al. with at least one OLED cell comprising one or more organic layers sandwiched between upper and lower electrode conducting lines on the substrate to provide electrical access to the device and a protective layer in order to connect the substrate to the first conductor (col. 4 lines 14-15) as taught by Jones.

As to claim 28 and 29, Auch et al. fail to disclose that the protective layer comprises an insulating layer.

Jones teaches that the protective layer comprises an insulating layer for the purpose of insulating the conductor from the circuitry (col. 7 lines 21-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Jones with the protective layer that comprises an insulating layer in order to insulate the conductor from the circuitry (col. 7 lines 21-35 figure 4).

As to claim 30, Auch et al. discloses that the metal layer encapsulates the at least one active component (figure 1, 108b comprises a metal layer on top of the cathode layer paragraph 0008).

As to claim 31, Auch et al. fail to disclose that the protective layer is arranged between the cap and conductive lines in the bonding region.

Jones teaches that the protective layer is arranged between the cap and conductive lines in the bonding region for the purpose of insulating the conductor from the circuitry (col. 7 lines 21-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Jones with the protective layer that is arranged between the cap and conductive lines in the bonding region in order to insulate the conductor from the circuitry (col. 7 lines 21-35 figure 4).

As to claims 34-39, Auch et al. discloses pillars patterning the upper electrodes, wherein the upper and lower electrodes are formed as strips and the electrodes form a plurality of active components and the metal layer is patterned to form strips covering the upper electrodes (figure 1 number 108).

As to claims 40-42, Auch et al. discloses wherein the active region and the bonding region are formed in separate regions of the substrate, wherein the bonding region is formed surrounding the active region and wherein a cavity is provided between the active region and the cap (figure 1 the active components are inside the cap 110 which is attached to a bonding region).

As to claims 8,11,14,17,19,22,24 regarding the getter layer that is formed by flash evaporation, product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as the product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ

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964, 966 (Fed. Cir. 1985). The burden has been shifted to the applicant to show obvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

As to claim 9,15,16, 21,25, Auch et al. fail to disclose a second metal layer lining the inner surface of the cap wherein the second metal layer consist of essentially barium.

Jones et al. teaches a second metal layer consisting of essentially barium for the purpose of providing a transition layer between a conductor and the active material (col. 9 lines 15-17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Jones with a second metal layer lining the inner surface of the cap wherein the second metal layer consist of essentially barium in order to provide a transion layer between the conductor and the active material as taught by Jones et al. (col. 9 lines 15-17).

As to claim 33, Auch et al. discloses a substrate (figure 1 number 102) having an active region defined thereon comprising at least one active component (figure 1), the at least one active component including patterned electrodes (paragraph 0008) and a metal layer located in the active region disposed directly on the at least one active component (paragraph 0008).

Auch fail to disclose wherein the metal layer consists essentially of tantalum or zirconium.

Mori teaches that the metal layer consist essentially of tantalum (col. 3 line 44, col. 5 lines 33-34) for the purpose of providing a protective layer for the cathode (col. 5 lines 35-39).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Auch et al. with the metal layer consist essentially of tantalum in order to provide a protective layer for the cathode (col. 5 lines 35-39).

As to claims 43-45, Auch discloses wherein the metal layer is in direct contact with a cathode layer, the cathode consisting of rLi, Ca, Mg, Al Ag or Ba or mixtures thereof (paragraph 0008).

Response to Arguments

5. Applicant's arguments filed 4/1/09 have been fully considered but they are not persuasive.

In response to applicant's argument that Mori fail to teach that the metal layer consist essentially of tantalum or zirconium, Mori teaches that the protective film is the same material as the cathode and the cathode consist essentially of tantalum therefore the protective film consist essential of tantalum.

In response to applicant's argument that Mori fail to disclose that the cathode consist of tantalum, the cathode consist of tantalum because it can have 0.1% of Na and K. (col. 3 line 22).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE RHEE whose telephone number is (571)272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jane Rhee/
Primary Examiner, Art Unit 1795